

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SHAWN TEGTMAN,

Plaintiff,

v.

LOWES HOME CENTERS, LLC

Defendant.

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CIVIL ACTION NO. _____

INDEX OF DOCUMENTS

EXHIBIT	DATE	DOCUMENT
A-1	10/14/2020	Plaintiff's Original Petition, Jury Demand and Requests for Disclosure
A-2	10/14/20	Request for Issuance
A-3	10/15/20	Request for Issuance
A-4	10/20/20	Citation to Defendant Lowe's Home Centers, LLC
A-5	11/04/20	Return of Service of Citation to Defendant Lowe's Home Centers, LLC

862816

EXHIBIT A-1

CAUSE NO. 20-1638-C425

SHAWN TEGTMAN

§ IN THE DISTRICT COURT OF
Williamson County - 425th Judicial District Court

VS.

§

WILLIAMSON COUNTY, TEXAS

LOWE'S HOME CENTERS, LLC

§
§

_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND REQUESTS FOR
DISCLOSURE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Shawn Tegtman, hereinafter referred to as "Plaintiff," complaining of Lowe's Home Centers, LLC, hereinafter referred to as "Defendant," and for cause of action would respectfully show unto the Court the following:

I. LEVEL

Discovery is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure 190. Plaintiff affirmatively pleads that he seeks only monetary relief in excess of \$250,000, but not more than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

II. PARTIES

Plaintiff is a resident of Williamson County, Texas.

Defendant, Lowe's Home Centers, LLC, is a foreign limited liability company licensed to do business in the state of Texas. Defendant may be served through its Registered Agent, Corporation Service Company d/b/a CSC – Lawyers Incorporating Service Company, 211 E. 7th Street, Suite 620, Austin, Texas 78701-3136, or wherever it may be found.

III. JURISDICTION AND VENUE

This Court has jurisdiction in this cause since the damages to Plaintiff are within the jurisdictional limits of this Court. All or a substantial part of the event or omissions giving rise to

the claim occurred in Williamson County. Therefore, venue is proper pursuant to §15.001 and §15.002(a)(1) of the Texas Civil Practice & Remedies Code. Additionally, the facts show that the convenience of the parties and the witnesses and the interest of justice would be best served in Williamson County.

IV. ASSUMED NAMES, MISNOMER, AND ALTER EGO

Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiff is suing any partnership, unincorporated association, private corporation, or individual whose name contains the words or who does business under or as Lowe's Home Centers, LLC. It is the intent of the Plaintiff to file this lawsuit against the owners, occupiers, property managers and/or controllers of the premises known as Lowe's Home Centers, LLC.

Further, in the event that any parties are misnamed or not included herein, it is Plaintiff's contention that such was a misnomer and/or such parties are/were alter egos of parties named herein.

V. FACTS AND NEGLIGENCE

This suit is brought under and by virtue of the laws of the State of Texas to recover those damages which Plaintiff is justly entitled to receive as compensation for injuries he sustained in an incident that occurred on or about April 21, 2019, at the location of Defendant at 201 Ed Schmidt Blvd., Hutto, Texas 78634. As Plaintiff was pulling a twelve foot section of Hardiplank from a seven foot shelf in the homebuilding section of Defendant's premises, a five foot section of the Hardiplank broke off and fell on Plaintiff's foot. The Hardiplank went through Plaintiff's foot, causing blood to gush out of the wound. There were no warning signs marking the dangerous condition. As a result, Plaintiff sustained serious injuries, including stitches for the laceration and is now experiencing nerve pain in his foot.

The occurrence made the basis of this suit and the resulting injuries and damages were proximately caused by the negligence of the Defendant, for a variety of acts and omissions, including but not limited to one or more of the following:

- a. In failing to properly maintain said property in a reasonable manner;
- b. In failing to properly maintain said property in a safe manner;
- c. In failing to exercise caution;
- d. In failing to provide warning;
- e. In maintaining said property in a reckless and careless manner; and
- f. Negligence in general.

Each and all of the above acts and/or omissions constituted negligence and each and all were the proximate cause of the following made the basis of this suit and the injuries and damages suffered by the Plaintiff herein.

**Alternative Cause of Action
Premises Liability**

Defendant owns and/or controls the premises at 201 Ed Schmidt Blvd., Hutto, Texas 78634. Defendant had a duty to use ordinary care to ensure that the premises did not create an unreasonably dangerous condition as it relates to Plaintiff. This duty includes the duty to inspect and properly maintain the premises. Defendant's failure to maintain the premises, i.e., allowing Hardiplank to be located on shelves at a height of seven feet, created a dangerous condition which is the proximate cause of Plaintiff's damages, for which he now sues.

VI. DAMAGES

As a result of the occurrence in question, Plaintiff, Shawn Tegtman, has sustained serious personal injuries, mental anguish, physical pain and suffering, medical expenses in the past, lost wages in the past, and impairment and disability in the past. Plaintiff will respectfully request the

Court and Jury to determine the amount of loss he has incurred and will incur in the future not only from a financial standpoint but also in terms of good health and freedom from pain and worry. There are certain elements of damages provided by law that Plaintiff is entitled to have the Jury in this case consider separately to determine the sum of money for each element that will fairly and reasonably compensate Plaintiff for his injuries, damages and losses incurred from the date of the accident in question until the time of trial of this case, those elements of damages are as follows:

- a. The physical pain that Plaintiff has suffered from the date of the occurrence in question up to the time of trial;
- b. The mental anguish that Plaintiff has suffered from the date of the occurrence in question up to the time of trial;
- c. The amount of reasonable medical expenses necessarily incurred in the treatment of Plaintiffs' injuries from the date of the accident in question up to the time of trial;
- d. The loss and/or reduction of earnings and/or earning capacity sustained by Plaintiff from the date of the occurrence in question up to the time of trial;
- e. The disfigurement which Plaintiff has suffered from the date of the occurrence in question up to the time of trial; and
- f. The physical impairment, which Plaintiff has suffered from the date of the occurrence in question up to the time of trial.

Further, the following are elements of damages to be considered separately which Plaintiff will sustain in the future beyond the trial that are determined by a preponderance of the evidence upon trial of this cause.

- a. The physical pain that Plaintiff will suffer in the future beyond the time of trial;
- b. The mental anguish that Plaintiff will suffer in the future beyond the time of trial;
- c. The reasonable value of medical expenses that will necessarily be incurred in the treatment of Plaintiff's injuries in the future beyond the time of trial;
- d. The loss and/or reduction in Plaintiff's earnings or earning capacity in the future caused by the injuries sustained in the occurrence in question;

- e. The disfigurement that Plaintiff will suffer in the future beyond the time of trial; and
- f. The physical impairment which Plaintiff will suffer in the future beyond the time of trial.

Plaintiff, Shawn Tegtman, seeks monetary relief over \$250,000 but not more than \$1,000,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees and a demand for judgment for all the other relief to which the party deems himself entitled.

VII. REQUESTS FOR DISCLOSURE AND DISCOVERY

Pursuant to Texas Rule of Civil Procedure 194, Plaintiff requests that Defendant disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

VIII. DEMAND FOR JURY

Plaintiff requests a trial by jury and tenders the appropriate fee herewith.

IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendant be cited in terms of law to appear and answer herein; that upon final trial hereof, Plaintiff will have judgment against the Defendant for all actual damages, legally recoverable pre-judgment and post-judgment interest, all costs of court, and any other further relief to which Plaintiff may show himself justly entitled.

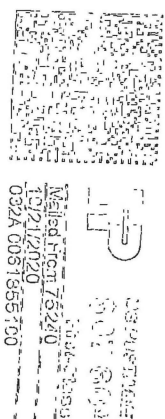
Respectfully submitted,

KLITSAS & VERCHER, P.C.

By: /s/ **Loren G. Klitsas**
Loren G. Klitsas
State Bar No.: 00786025
550 Westcott Street, Suite 570
Houston, Texas 77007
Telephone: (713) 862-1365
Facsimile: (713) 862-1465
Email: klitsas@kv-law.com

ATTORNEYS FOR PLAINTIFF

LEGAL DOCUMENT MANAGEMENT
5930 LBJ FREEWAY SUITE 307
DALLAS, TEXAS 75240



Filed From 75240
10/21/2020
032A 0061555700

CORPORATION SERVICE COMPANY
211 E. 7th STREET., #620
AUSTIN, TEXAS 78701



EXHIBIT A-2



Lisa David
DISTRICT CLERK

P.O. Box 24, Georgetown, Texas 78627
512.943.1212 Fax 512.943.1222

ISSUANCE REQUEST FORM

20-1638-C425

Date requested: _____ Cause # _____

Style of
Case:

Shawn Tegtmann v. Loew's Home
Centers, LLC

Name of person requesting issuance: Loren G. Klitsas

Issuance
requested:

☒

CITATION
PRECEPT

☐

CAPIAS
BENCH WARRANT

☐

WRIT
Other: _____

Document to include with issuance:

Plaintiff's Original Petition,
Jury Demand & Requests for Disclosure
Agency to serve issuance: Private process server

Party to be served:

Loew's Home Centers, LLC
do Registered Agent, Corporation Service Company d/b/a
1st Address line: CSC Lawyers Incorporating Service Company
2nd Address line: 211 E. 7th Street, Suite 620
City, State, Zip: Austin, TX 78701-3218

Party to be served:

1st Address line:

2nd Address line:

City, State, Zip

Party to be served:

1st Address line:

2nd Address line:

City, State, Zip

Fees: \$8.00 per issuance, plus copy fees.

*** IF NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED ***

Please send to: Klitsas & Vercher, P.C., 550 Westcott,
Suite 570, Houston, TX 77007

Envelope# 47179834

Automated Certificate of eService

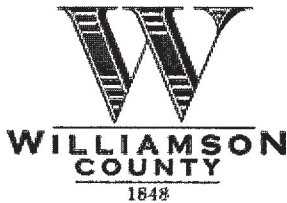
This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Bobbie Gilbert on behalf of Loren Klitsas
Bar No. 786025
beason@kv-law.com
Envelope ID: 47179834
Status as of 10/14/2020 1:01 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Loren Klitsas		bgilbert@kv-law.com	10/14/2020 12:23:44 PM	SENT
Loren GKlitsas		klitsas@kv-law.com	10/14/2020 12:23:44 PM	SENT

EXHIBIT A-3



Lisa David
DISTRICT CLERK

P.O. Box 24, Georgetown, Texas 78627
512.943.1212 Fax 512.943.1222

ISSUANCE REQUEST FORM

Date requested: 10/15/2020 Cause # 20-1638-C425

Style of
Case:

Shawn Tegtmann v Lowe's Home Centers, LLC

Name of person requesting issuance: _____

Issuance requested: ☒ CITATION ☐ CAPIAS ☐ WRIT
☐ PRECEPT ☐ BENCH WARRANT ☐ Other: _____

Document to include with issuance: Plaintiff's Original Petition, Jury Demand, & Requests for Disclosure

Agency to serve issuance: Private Process Server

Party to be served: Lowe's Home Centers, LLC

1st Address line: c/o Registered Agent Corporation Service Company d/b/a CSC Lawyers Incorporating Service Company

2nd Address line: 211 E. 7th Street, Ste 620

City, State, Zip: Austin, TX 78701-3218

Party to be served: _____

1st Address line: _____

2nd Address line: _____

City, State, Zip: _____

Party to be served: _____

1st Address line: _____

2nd Address line: _____

City, State, Zip: _____

Fees: \$8.00 per issuance, plus copy fees.

***** IF NOT PICKED UP WITHIN 14 BUSINESS DAYS, SERVICE WILL BE DESTROYED *****

Please email citation to beason@kv-law.com

Envelope# 47208522

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Bobbie Gilbert on behalf of Loren Klitsas
Bar No. 786025
beason@kv-law.com
Envelope ID: 47208522
Status as of 10/20/2020 8:27 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Loren Klitsas		bgilbert@kv-law.com	10/15/2020 9:32:57 AM	SENT
Loren GKlitsas		klitsas@kv-law.com	10/15/2020 9:32:57 AM	SENT

EXHIBIT A-4

CITATION
THE STATE OF TEXAS, COUNTY OF WILLIAMSON
NO. 20-1638-C425

SHAWN TEGTMAN VS. LOWE'S HOME CENTERS, LLC

TO: Lowe's Home Centers, LLC
 c/o Registered Agent Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company
 211 E 7th Street, Suite 620
 Austin TX 78701

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment for the relief demanded in the petition may be taken against you.

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND REQUESTS FOR DISCLOSURE in the above styled and numbered cause, which was filed on the 14th day of October, 2020 in the 425th Judicial District Court of Williamson County, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 20th day of October, 2020.

ADDRESS OF LEAD ATTORNEY FOR
 PETITIONER:

Lorén George Klitsas
 550 Westcott Ste 570
 Houston TX 77007

Lisa David, District Clerk
 PO Box 24, Georgetown, TX 78627
 Williamson County, Texas
 (512) 943-1212



BY: *Stephanie Robles*
 Stephanie Robles, Deputy

RETURN OF SERVICE

Came to hand on the ____ day of _____, 20____, at _____ o'clock ____ M. and executed at _____, within the County of _____, Texas, at _____ o'clock ____ M. on the ____ day of _____, 20____, by delivering to the within named _____, in person a true copy of this citation, with a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND REQUESTS FOR DISCLOSURE attached thereto, having first endorsed on such copy of citation the date of delivery.

* **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) _____

_____ ; for the following reason _____

the defendant may be found at _____

**Strike if not applicable.*

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY _____ COUNTY, TEXAS
 _____ SHERIFF/CONSTABLE BY: _____ DEPUTY

FEE FOR SERVICE OF CITATION : \$ _____

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.

My name is _____, my date of birth is _____, and my address is _____
 Please print. (First, Middle, Last)

(Street, City, Zip).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.

Declarant/Authorized Process Server

ID # & expiration of certification

EXHIBIT A-5

Filed 11/13/20 11:00 PM
 Lisa David, District Clerk
 Williamson County, Texas
 Michele Rodriguez

CITATION
THE STATE OF TEXAS, COUNTY OF WILLIAMSON
NO. 20-1638-C425

SHAWN TEGTMAN VS. LOWE'S HOME CENTERS, LLC

TO: Lowe's Home Centers, LLC
 c/o Registered Agent Corporation Service Company d/b/a CSC - Lawyers Incorporating Service Company
 211 E 7th Street, Suite 620
 Austin TX 78701

DEFENDANT in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment for the relief demanded in the petition may be taken against you.

Attached is a copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND REQUESTS FOR DISCLOSURE in the above styled and numbered cause, which was filed on the 14th day of October, 2020 in the 425th Judicial District Court of Williamson County, Texas. This instrument describes the claim against you.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office on this the 20th day of October, 2020.

ADDRESS OF LEAD ATTORNEY FOR
 PETITIONER:
 Loren George Klitsas
 550 Westcott Ste 570
 Houston TX 77007

Lisa David, District Clerk
 PO Box 24, Georgetown, TX 78627
 Williamson County, Texas
 (512) 943-1212



BY: Stephanie Robles
 Stephanie Robles, Deputy

RETURN OF SERVICE

Came to hand on the 21 day of October, 2020, at 9:00 o'clock AM, and executed at 211 E 7th St, Suite 620, Austin, TX, within the County of Travis, Texas, at 11:50 o'clock AM, on the 24 day of October, 2020, by delivering to the within named Lowe's Home Centers LLC, in person a true copy of this citation, with a true and correct copy of the PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND AND REQUESTS FOR DISCLOSURE attached thereto, having first endorsed on such copy of citation the date of delivery. *by serving Reg. Agent Corporation Service Company, by MRKR 70391710-0001-8497-7938*
 * **NOT EXECUTED**, the diligence used to execute being (show manner of delivery) _____; for the following reason _____

the defendant may be found at _____
 *Strike if not applicable.

TO CERTIFY WHICH WITNESS MY HAND OFFICIALLY _____ COUNTY, TEXAS
 _____ SHERIFF/CONSTABLE BY: _____ DEPUTY

FEE FOR SERVICE OF CITATION : \$ 75.00

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

In accordance with Rule 107: The officer or authorized person who serves, or attempts to serve, a citation shall sign the return.
 My name is John Buford Jr., my date of birth is 9/18/83, and my address is _____
 Please print. (First, Middle, Last)
7910 N. Glen Dr. Irving, TX 75063 (Street, City, Zip)

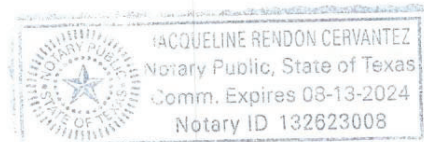
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
 Executed in Travis County, State of TX, on the 24 day of October, 2020.

Declarant/Authorized Process Server


ID # & expiration of certification

John Buford Jr.
SWORN TO AND SUBSCRIBED BEFORE ME
ON THIS 23 DAY OF Nov. 20 20

16034 12/31/2020



Envelope# 47806291

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to: <i>Lowe's Home Centers LLC</i> CORPORATION SERVICE COMPANY 211 E. 7th STREET, #620 AUSTIN, TEXAS 78701  9590 9402 4972 9063 3821 33</p> <p>2. Article Number (Transfer from service label) 013 1710 0001 8497 7938</p> <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p>		<p>A. Signature X OCT 26 2020 <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <i>Kevin Gonzales</i> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p>Domestic Return Receipt</p>	

Envelope# 47806291

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Envelope ID: 47806291

Status as of 11/4/2020 1:13 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Loren Klitsas		bgilbert@kv-law.com	11/4/2020 1:00:23 PM	SENT
Loren GKlitsas		klitsas@kv-law.com	11/4/2020 1:00:23 PM	SENT